

### **Remarks**

Claims 17-20 and 22-39 are pending. Claims 17 and 28 are amended herein. Support for the amending language of claims 17 and 28 can be found in the specification on page 2, line 29 to page 3, line 19. Claim 28 is further amended to place it in independent form.

No new matter is added. This amendment is filed with a Request for Continued Examination (RCE), the required fees, and an amendment believed to place the application in condition for allowance. Further examination is respectfully requested.

### *Drawings*

Applicants thank the Examiner for noting that the drawings submitted on January 8, 2003 are acceptable.

### *Foreign Priority*

Applicants thank the examiner for noting that GB9916703, filed August 24, 2001, provides adequate written support for claims 17-20, 22-27, and 29-39.

Applicants submit that the examples provided in GB9916703 provide adequate support for the limitation "coupled protein," as recited in claim 28. Applicants would like to remind the examiner that "mere rephrasing of a passage does not constitute new matter" (see the MPEP § 2163.07). Indeed, "the written description requirement for a claimed genus may be satisfied through sufficient description of a sufficient number of species" (see the MPEP § 2163.05). However, solely to advance prosecution, claim 28 can be examined as if it were only entitled to the filing date of the present application, namely July 17, 2000.

### *Claim Objections*

Claims 24-26 and 28 were rejected as allegedly being in improper dependent form. As discussed with Examiner Roark on May 21, 2003, and on May 27, 2003, claim 17 has now been amended to recite that "the chemokine, the receptor, the M3 protein of MHV68, or a combination thereof are labeled or unlabeled." Applicants submit that the amendment of claim 17 places claims 24-26 in proper dependent form, thereby removing the objection.

Claim 28 has now been amended to be in independent form. Applicants submit that the amendment of claim 28 removes the objection.

*Rejections under 25 U.S.C. § 112, first paragraph*

Claims 17-20 and 22-39 were rejected as the specification, while clearly enabling for methods utilizing the M3 protein of MHV68, is allegedly not enabling for homologues of M3 protein. Applicants respectfully disagree with this assertion for the reasons of record.

However, solely to advance the prosecution of the application, claims 17 and 28 have been amended such that they no longer recite the use of homologues, thereby removing the rejection.

*Conclusion*

Applicants submit that claims 17-20 and 22-39 are now in condition for allowance, which action is requested. If any minor matters remain to be addressed before a Notice of Allowance is issued, the Applicants request a that the Examiner initiate a telephone conference with their undersigned representative.

Respectfully submitted,

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